

Cotton Seed Meal * * * Guaranteed Analysis Protein 41.00% Fibre 10.00%."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 41.00%, Fibre 10.00%," borne on the label, was false and misleading and deceived and misled the purchaser, since the protein content of the said article was less than 41 per cent.

On March 19, 1926, the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true nature and character.

W. M. JARDINE, *Secretary of Agriculture.*

14327. Adulteration and misbranding of almond paste. U. S. v. 14 Cases of Almond Paste. Default order of destruction entered. (F. & D. No. 20786. I. S. No. 668-x. S. No. W-1657.)

On or about January 22, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of almond paste, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the American Almond Products Corp., New York, N. Y., about November 21, 1925, alleging that the article had been shipped from New York, N. Y., in interstate commerce into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Invincible Brand Almond Paste Flavored With 5% Bitter Kernels * * * Southern California Supply Co. * * * Los Angeles, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a kernel paste other than almond, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, and/or injuriously affect its quality and/or strength.

Misbranding was alleged for the reason that the statement borne on the label "Almond Paste Flavored With 5% Bitter Kernels" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article. It was further alleged in the libel that the article was misbranded, in that it was labeled so as to deceive or mislead the purchaser owing to a failure to declare for whom packed or by whom distributed.

On May 27, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering destruction of the product.

W. M. JARDINE, *Secretary of Agriculture.*

14328. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of nolo contendere. Fine and costs, \$75. (F. & D. No. 19748. I. S. No. 6427-x.)

On March 1, 1926, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1925, from the State of Tennessee into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Brookfield Creamery Butter * * * Swift & Company S J. S. A."

Analysis by the Bureau of Chemistry of this department of 6 samples from the shipment showed an average of 77.49 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages and parcels containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and in that the said statement was borne on the

labels so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter, in that it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 20, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$75 in lieu of fine and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14329. Adulteration of shell eggs. U. S. v. Judson Pitman. Plea of guilty. Fine, \$50. (F. & D. No. 19673. I. S. Nos. 3624-x, 3625-x, 3627-x.)

On February 4, 1926, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Judson Pitman, Murray, Ky., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 9, 15, and 16, 1925, respectively, from the State of Kentucky into the State of Alabama, of quantities of shell eggs which were adulterated. The article was labeled in part: "Judson Pitman * * * Shipped From Murray, Ky."

Examination by the Bureau of Chemistry of this department of a number of cases from each shipment showed 13.8 per cent, 22 per cent and 13.7 per cent, respectively, of inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 20, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

14330. Misbranding of butter. U. S. v. 12 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20091. I. S. No. 14873-v. S. No. C-4728.)

On April 24, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of butter, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., on or about April 17, 1925, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Jersey Belle Creamery Butter One Pound Net Weight * * * Paul A. Schulze Co. St. Louis, Mo."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of said act, general paragraph and paragraphs 2 and 4, in that it was not packed in units of one pound each in accordance with its label, but said units contained less than 1 pound each, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

It was further alleged in the libel that the butter contained less than 80 per cent of butterfat, in violation of the act of Congress of March 4, 1923.

On December 2, 1925, the Paul A. Schulze Co., St. Louis, Mo., having appeared as claimant for the property and having confessed the allegations of the libel, a decree was entered, adjudging that the product contained less than 80 per cent of milk fat, in violation of the act of March 4, 1923, and that it was improperly labeled, and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$125, conditioned in part that it be reworked and reconditioned in compliance with the law.

W. M. JARDINE, *Secretary of Agriculture.*

14331. Misbranding and alleged adulteration of canned peas. U. S. v. 543 Cases of Canned Peas. Decree entered, adjudging product misbranded and ordering its release under bond. (F. & D. No. 20773. I. S. No. 4486-x. S. No. C-4932.)

On January 16, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure